

**Bureau of Indian Education  
CONTINGENCY PLAN  
September 2017**

**Summary**

This contingency plan is developed in accordance with OMB Circular A-11, Section 124 and extends to all offices within the Bureau of Indian Education (BIE) including Central Office East (Washington, D.C.), Central Office West (Albuquerque, New Mexico), Southwestern Indian Polytechnic Institute (Albuquerque, New Mexico), Haskell Indian Nations University (Lawrence, Kansas), three Associate Deputy Director offices (Albuquerque, New Mexico, Minneapolis, Minnesota, and Window Rock, Arizona) and 15 Educational Resource Centers located in 23 states across the nation. The BIE oversees 53 bureau operated elementary/secondary schools, Two post-secondary institutions and provides technical assistance to 130 tribally controlled elementary/secondary schools, 29 tribally controlled community colleges, and two tribal technical colleges. This presents a management framework and establishes operational procedures to sustain essential activities during a lapse in appropriations within the BIE.

The basic elements of the plan are:

1. Identification of essential activities that must be performed;
2. Alternate locations for performing essential activities;
3. Excepted employees to perform the essential activities, including continued command and control of the organization;
4. Alternate means of communication, including voice, fax, and electronic;
5. Support services such as personnel and procurement, and;
6. Leadership and support services for the continued instructional and related services.

The primary objectives of this plan are to:

1. Protect the safety and well-being of employees, students, and others;
2. Minimize interruptions to essential functions;
3. Ensure continued leadership; and
4. Provide for an orderly means of addressing problems and restoring normal operations as quickly and safely as possible.

This plan includes the necessary implementation instructions for each subordinate Indian Affairs BIE organization/facility during a lapse in appropriations.

## Bureau of Indian Education Contingency Plan

### Contingency Operations

In the event of a lapse in appropriations, the normal organization of the BIE will shift into that of the contingency organization.

The Bureau of Indian Education contingency organization's primary duties are:

1. To continue instructional and related educational services within BIE-funded schools;
2. To protect employees, students, and others information assets until normal business operations are resumed;
3. To ensure that a viable capability exists to respond to an incident;
4. To manage all response activities, and;
5. To support and communicate with employees, system administrators, security officers, and managers.

### Retained Employees

Consistent with guidance in OMB Circular A-11 Section 124, the following is an estimated number of employees that will be retained under each of the following categories are:

Office	Total number of BIE Employees	Employees funded by annual appropriations	RETAINED				Employees Subject to Furlough
			Excepted - Law Enforcement	Exempt – employees funded by other than annual appropriations <sup>1</sup>	Excepted – employees responsible for continued operations <sup>2</sup>	Total Retained	
BIE	3392	314	0	3061	207	3268	124

Funding for BIE K-12 school programs are forward funded. Bureau of Indian Education funds are appropriated in the prior year. Therefore, the 2017-2018 K-12 School Year was funded in Fiscal Year 2017's appropriation bill and are available to support continued instructional and related educational services. The Department of Education has provided funds for the period July 1, 2017, through June 30, 2018. These funds and BIE funds will be used to maintain operations of education programs during a lapse of appropriations. While Haskell and SIPI are the exceptions, being funded under the regular appropriation cycle (not forward funded), Haskell and SIPI have access to the Schweitzer Bequest Fund which has been used in the past for Title V employees to ensure continued instructional and related educational services.

Law Enforcement (0): School resource officers, assigned to BIE-funded schools are supervised by the Office of Justice Services (OJS). During a lapse in appropriations, activities will continue under the contingency plan of the BIA OJS.

Exempt Personnel (3061): Staff that is funded by appropriations not impacted by a government shutdown (forward funding) including K-12 special education and supplemental education programs staff, and school contract educators.

## Bureau of Indian Education Contingency Plan

Excepted Personnel (207): Title V Personnel that enable the BIE to provide continued instructional and related educational services; protect employees, students; respond to a loss of life or property incident; and support and communicate with employees.

**Contracting Staff (2)** – Two employees have been identified to oversee the contracting process, which includes timely encoding and technical assistance to bureau operated schools' commercial contracts during a lapse of appropriations. The personnel identified will be the primary point of contact to assist and ensure commercial contracts are processed efficiently. It is also noted that all schools/offices operating during a lapse of appropriations will have one (1) person identified to initiate procurement activities. (53 bureau operated schools).

**Administrative and Management Staff (201)** – Employees working at the administrative level to support continued instructional and related educational services within BIE-funded schools and post-secondary institutions to ensure students and facilities are safe and secure.

**Human Resources Staff (4)** – Four employees have been identified to oversee the human resources (HR) activities and provide services to approximately 3,400 employees at bureau operated schools, including recruitment/placement, processing personnel actions, encoding payroll information, maintenance of HR information systems, employee and labor relations; and will also effect furlough procedures, answer employee inquiries, including provide an employee frequently asked questions (informational bulletin) to be distributed via e-mail and posted on the BIE website to answer plan related questions, and execute procedures to bring employees back to work.

**Information Technology Staff (0)** – Information Technology (IT) personnel at the schools/offices during a lapse of appropriations will be provided. Currently the IT personnel are located under the BIA Office Chief Information Officer (OCIO) IT office and will continue work activities under the contingency plan of the BIA OCIO.

**Shutdown activities will be completed within 4 hours.**

Attachment 1

**Bureau of Indian Education List of Essential Functions**

- The Director, Bureau of Indian Education (BIE) and senior management team must ensure the education process continues during the lapse of appropriations.
- Elementary and secondary schools must continue operations to meet all appropriate state academics standards. These schools are located in 23 states.
- Post-secondary institutions operated by the BIE must continue to operate to ensure class credits are not compromised and lost to the students.
- The Director, BIE must continue to provide a safe and secure environment for students in the elementary, secondary, and post-secondary institutions.
- The Bureau of Indian Education must continue to ensure funds and technical assistance is provided to tribally controlled schools, tribally controlled community colleges, and tribal technology colleges.
- The Bureau of Indian Education must continue to work with appropriate law enforcement officials and social services offices to address issues of child abuse and neglect.
- The Bureau of Indian Education must oversee human resources (HR) activities and provide services to approximately 3,400 employees at bureau operated schools including recruitment/placement, processing personnel actions, encoding payroll information, maintenance of HR information systems, employee and labor relations.
- The Bureau of Indian Education relies on the BIA to provide services for tort claims (Division of Safety and Risk Management), information technology (OCIO) and commercial contracting awards (Regional Acquisitions Offices). During a lapse in appropriations, the BIE will rely on the BIA for these services. The Bureau of Indian Affairs includes these functions in their contingency plan. The Solicitors office also provides guidance on tort claims and equal employment opportunity cases (EEO).
- The Bureau of Indian Education must continue to provide appropriate academic technical assistance and guidance to the bureau operated and tribally controlled schools, as mandated by Public Law No. 114-95, Every Student Succeeds Act (ESSA) of 2015, and Public Law No. 94-142, Individuals with Disabilities Act (IDEA) of 1990.
- The Bureau of Indian Education must be prepared to address emergencies (acts of violence, etc.) and critical incidents (suicides, bullying, etc.) at both the bureau operated and tribally controlled schools.

## Bureau of Indian Education Contingency Plan

- The Bureau of Indian Education must continue to provide the following administrative services to the bureau operated elementary and secondary schools, post-secondary institutions, and tribally controlled grant schools:
  - Budget and finance procedures, processes and systems to execute all fiscal and accounting functions for education programs and schools.
  - Administration of all education contracts/grants under the provisions of Public Law 93-638, Public Law 100-297 and other Federal statutes and OMB circulars.
  - Each bureau operated school, Haskell Indian Nations University, and Southwest Indian Polytechnic Institute will have available staff to assist procurement and finance activities.

---

<sup>1</sup> Includes 17 Division of Performance Accountability Title V employees.

<sup>2</sup> Includes 184 Title V employees at Haskell Indian Nations University and Southwestern Indian Polytechnic Institution that would be funded by the Schweitzer Bequest Fund given a government shutdown.